

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAUL JULIAN MANEY,

Plaintiff,

6:15-cv-00259-JE

ORDER

v.

ROB PERSSON, Superintendent,

Defendant.

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#64) on March 24, 2017, in which he recommends the Court deny Plaintiff Paul Julian Maney's Petition (#1) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this matter with prejudice, and deny a certificate of appealability. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(b). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Objections Plaintiff merely reiterates the arguments in his Petition and Brief in Support of Petition. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

In his Objections to the Findings and Recommendation, the Court notes Petitioner repeats his Objections (#58) to the Magistrate Judge's Order (#57) issued November 21, 2016, in which the Magistrate Judge denied Petitioner's Motion (#48) for Discovery. This Court, however, previously affirmed Magistrate Judge Jelderks's Order (#57) on January 24, 2017, and, therefore, does not need to address Petitioner's Objections again. *See* Order #62 (issued Jan. 24, 2017).

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#64), **DENIES** the Petition (#1) for Writ of Habeas

Corpus, **DISMISSES** this matter **with prejudice**, and **DENIES** a certificate of appealability.

IT IS SO ORDERED.

DATED this 5th day of May, 2017.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge